

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of)	
)	
Request for Review of the)	
Decision of the)	
Universal Service Administrator and Petition)	
for Waiver of)	
)	
Montgomery County Intermediate Unit)	
Billed Entity 126220)	CC Docket No. 02-6
)	
Schools and Libraries Universal Service)	
Support Mechanism)	
)	

Petition for Waiver of Form 486 Deadline
FCC Form 471 Application Number 788227, FRNs 2167650 and 2167659

We are writing to respectfully request the FCC to waive the SLD procedural deadline for filing the Form 486. Form 471 Application 788227 was successfully submitted within the Form 471 application window and a successful Funding Commitment Decisions Letter was received, dated January 31, 2011. The total amount of approved funding was \$486,432.00. This application is for the funding of the Pennsylvania statewide telecommunications network known as Pennsylvania Association of Intermediate Units Network (PAIUnet) for which the Montgomery County Intermediate Unit is the billed entity (BEN 126220).

The Applicant had every intention of promptly filing the associated Form 486, since it began receiving services as of July 1, 2011. At the time, however, the Applicant was in the midst of preparing its large FY 2012 Form 471 application. This undertaking involved, among other things, the verification and data preparation of over 2,500 different entities – 2,632 entities to be precise. In addition, the Applicant had to collect E-rate Letters of Agency (LOAs) from

over 500 different entities. Aggregation of all of this information and the subsequent data entry of the Form 471 application for FY 2012 was all-consuming during the period February 1 through the E-rate deadline of March 20, 2012. Consequently, the filing of the Form 486 for the FY 2011 application was postponed during this time. The filing of the FY 2012 Form 471 application necessarily was the higher priority at that time, since the March 20th deadline loomed closer than the FY 2011 Form 486 deadline. Notably, the Applicant used the BEAR method of recouping discounts. The immediate sense of urgency of filing a Form 486 was not present, therefore, since the Applicant did not have to obtain a Form 486 notification letter as quickly as possible to provide it to the service provider in order to obtain discounted bills.

By time the FY 2012 Form 471 deadline had passed on March 20, 2012, the need to file the FY 2011 Form 486 had been unintentionally overlooked. Ordinarily, this would not have been a problem since pursuant to the Alaska Gateway Order,¹ Applicants that miss the Form 486 deadline are supposed to receive a reminder letter to allow them to submit the Form and cure the missed deadline. **In this situation, however, the Applicant did not receive an Alaska Gateway reminder letter.**

The non-filed Form 486 for the two FRNs, 2167650 and 2167659, was discovered by the Applicant on September 18, 2012 when the Applicant was preparing to submit its BEAR Form. By checking the Data Retrieval Tool, the Applicant discovered that Column R, “486 SSD” was blank. The Applicant immediately contacted the Client Service Bureau (Case # 22-413632) and received a duplicate reminder letter via email. This letter is dated July 11, 2012. The Applicant’s contact person has no record or recollection of receiving the original reminder letter. Moreover, the Applicant’s contact person has experienced occasional problems with USAC mail

¹ Request for Review of Decision of the Universal Service Administrator by the Alaska Gateway School District, DA 06-1871, File Nos. SLD-412028, *et al.*, CC Docket No. 02-6 (Order released September 14, 2006).

being marked “return to sender” when delivered on a Saturday and around holidays. This is due to the fact that weekend and holiday/summer replacement mail carriers see a school’s name on an envelope and do not understand that the mail is correctly addressed, despite the fact that the physical address of the school district is in another county and that the school does not have a physical office in the building to which the mail is being delivered.

Also on the same day of discovery of these circumstances, the Applicant submitted Form 486 but fully expects that in the absence of an appeal, USAC will adjust the service start date.

Since the issuance of the Alaska Gateway appeal decision² the FCC has generously granted numerous appeals filed by applicants that missed this procedural guideline.³ The FCC has consistently found good cause to waive this procedural rule noting that this does not involve a violation of a FCC rule. The Applicant hopes and encourages the FCC to find that its oversight in failing to timely submit Form 486 is likewise worthy of waiving this procedural deadline.

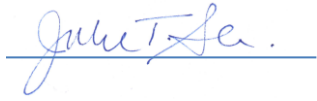
For these reasons, we respectfully request the FCC to waive the SLD procedural deadline for filing Form 486, revise the service start date to July 1, 2011 and restore full funding of these FRNs.

² Request for Review of Decision of the Universal Service Administrator by the Alaska Gateway School District, DA 06-1871, File Nos. SLD-412028, *et al.*, CC Docket No. 02-6 (Order released September 14, 2006).

³ Request for Review of Decisions of the Universal Service Administrator by Alcona County Library, *et al.*, File Nos. SLD-425479, *et al.*, CC Docket No. 02-6, DA 08-2379 (Order released October 30, 2008) (34 appeals granted); Request for Review of Decisions of the Universal Service Administrator by State of Arkansas, Department of Information Systems, *et al.*, File Nos. SLD-395179, *et al.*, CC Docket No. 02-6, DA 08-1418 (Order released June 13, 2008) (14 appeals granted for either late Form 486 or late Form 472 filed); Request for Review of Decisions of the Universal Service Administrator by Children of Peace School, *et al.*, File Nos. SLD-469413, *et al.*, CC Docket No. 02-6, DA 10-885 (Order released May 20, 2010) (25 appeals granted); Request for Review of Decisions of the Universal Service Administrator by Academy St. Benedict-Stewart, *et al.*, File Nos. SLD-660086, *et al.*, CC Docket No. 02-6, DA 10-2352 (Order released December 16, 2010) (45 appeals granted); Request for Review of Decisions of the Universal Service Administrator by Bancroft Neurohealth, *et al.*, File Nos. SLD-689221, *et al.*, CC Docket No. 02-6, DA 11-1239 (Order released August 3, 2011) (13 appeals granted); and, Request for Review of Decisions of the Universal Service Administrator by Beebe Public Schools, *et al.*, File Nos. SLD-756808, *et al.*, CC Docket No. 02-6, DA 12-569 (Order released April 12, 2012) (8 appeals granted); Request for Review of Decisions of the Universal

Since the Alaska Gateway decision was issued, the only time the FCC has denied an appeal from a late filed Form 486 is in those situations where the applicant had filed to timely certify its CIPA compliance by October 28, 2011 because this was a statutory and not a procedural deadline. *See* Request for Review of Decisions of the Universal Service Administrator by Casa Lake-Bena Schools, ISD No. 115, *et al.*, File Nos. SLD-251875, *et al.*, CC Docket No. 02-6, DA 07-1238 (Order released March 13, 2007).

Respectfully submitted,



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Dated: September 19, 2012